

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

NEXTGEN INNOVATIONS, LLC,

Plaintiff,

v.

II-VI, INC. and FINISAR
CORPORATION,

Defendants.

Case No. 4:20-cv-00854-SDJ

Judge Sean D. Jordan

PROPOSED DEADLINES

<u>DATE</u>	<u>EVENT</u>
May 7, 2021	Preliminary Disclosure of Asserted Claims (superset of P.R. 3-1 Asserted Claims)
May 19, 2021	Rule 16 Management Conference
To be discussed at mgmt. conf.	Mediation.
May 26, 2021	P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions (and P.R. 3-2 document production) to be served.
July 12, 2021	Join additional parties. P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served. To the extent not already required to be disclosed, exchange Mandatory Disclosures on all issues, including damages.
July 26, 2021	Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1).

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July 26, 2021	Privilege logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
August 11, 2021	Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same. (P.R. 4-2).
August 18, 2021	Parties' Final Amended Pleadings. (A motion for leave is required.)
August 23, 2021	Joint Claim Construction and Prehearing Statement to be filed. (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.
September 8, 2021	Respond to Amended Pleadings.
September 21, 2021	Completion date for discovery on claim construction. (P.R. 4-4).
October 6, 2021	Opening claim construction brief. (P.R. 4-5(a)).
October 20, 2021	Responsive claim construction brief. (P.R. 4-5(b)).
October 27, 2021	Reply claim construction brief. (P.R. 4-5(c)).
October 12, 2021	Submit technology synopsis/tutorial (both hard copy and disk).
November 1, 2021	Parties to file joint claim construction and chart. (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible.
November 9, 2021, at 1:00 p.m.	Proposed Claim Construction at the United States Courthouse, 7940 Preston Road, Plano, TX 75024.
December 14, 2021	Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this Court's order or the Patent Rules, nor an excuse to delay disclosure of information. It is a "catchall" deadline for provision of all remaining information

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	which may be relevant to a claim or defense of any party at trial.
December 21, 2021	Parties shall notify the Court of the name, address, and telephone number of the agreed-upon mediator, or request that the Court select a mediator, if they are unable to agree on one.
January 11, 2022	Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(a)(2)(B). Comply with P.R. 3-7 (Designation of Willfulness Opinions).
February 1, 2022	Mediation deadline.
February 8, 2022	Parties to Designate Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B).
February 25, 2022	Discovery deadline. All discovery must be served in time to be completed by this deadline.
March 8, 2022	File Dispositive Motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rule CV-7.
May 24, 2022	Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order, <i>see</i> www.txed.uscourts.gov , and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases).
May 31, 2022	Motions in limine due. File Joint Final Pretrial Order. Exchange Exhibits and deliver copies to the Court. At this date, all that is required to be submitted to the Court is a hyperlinked exhibit list on disk (2 copies) and no hard copies.

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May 31, 2022	Video Deposition Designation due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those which cannot be resolved shall be presented to the Court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the Court's rulings on objections.
June 14, 2022	Response to motions in limine due. File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order. (This does not extend the deadline to object to expert witnesses.) If numerous objections are filed, the Court may set a hearing prior to docket call. File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).
June 28, 2022	Final Pretrial Conference at 1:30 p.m. at the United States Courthouse located at 7940 Preston Road, Plano, TX 75024.
To be determined	10:00 a.m. Jury Selection and Trial at the United States Courthouse located at 7940 Preston Road, Plano, TX 75024.